

Additional Questions and Comments

Finding 12: The CCMP is not a regulatory document and should not be used to justify adopting permit requirements.

C.2.a.ii (1): The November 30, 2008 deadline does not allow sufficient time following permit adoption to revise an entire municipal street sweeping program if that is necessary for some municipalities. There are many other November 30, 2008 deadlines in the Tentative Order. These should all be extended to allow sufficient time for completion.

C.2.a.ii (2): Rural roads should be excluded from the street sweeping requirement.

C.2.a.iii: *Recording & Reporting - Permittees shall perform annual assessments of street sweeping effectiveness on the basis of the following factors and report in the Annual Report:*

- (1) *Report in the Year 1 Annual Report a map of the high, medium, and low frequency sweeping areas. Identify any significant changes in subsequent annual reports and the basis for those changes;*
- (2) *Report annually on types of sweepers used, swept curb miles, volume or weight of materials removed in summary form within the Annual Report;*
- (3) *Report on the public outreach efforts or use of additional resources in sweeping excess leaves and other material or addressing areas that are infeasible to sweep to minimize pollutant discharges to storm drains and creeks; and*

How is this information going to be used by the Water Board?

C.2.b.i: Municipalities could require contractors to use a certain type of sweeper when a contractor sweeps their roads, but they cannot control the contractor's overall purchase of equipment.

C.2.b.iii: *Recording/Reporting – Permittees shall summarize proper sweeping operation verification results in their Annual Report and report equipment type purchased within the reporting year. Report on efficient street sweeping methods, including the manner of specifying and confirming rate or speed at which street miles are covered by sweeper operators. Describe method and effectiveness of sweeper operator training for enhanced water quality performance. Report on public outreach efforts on the need for clearing the parked cars from the curbs on sweeping days.*

How is this information going to be used by the Water Board?

C.2.f.ii (3): This item should be removed from this section. This should be a one-time activity under Provision C.10.

C.2.f.iii: ***Record Keeping/Reporting*** Permittees shall keep and maintain available for inspection records of inspections, cleaning, and maintenance for all drain inlets/catch basins and shall report them in their Annual Reports.

A municipality may have thousands of catch basins. What is the purpose of requiring municipalities to track and report on the cleaning of each catch basin?

C.2.g.iii: Reporting

- (1) *Report information resulting from C.2.g.ii.(1)-(3), including records of inspection and maintenance activities, and volume or mass of waste materials removed from pump stations in the Annual Reports.*
- (2) *Report the monitoring data for sampling dry weather and first flush pump station discharges and associated recommended BMPs in inspection, operation and maintenance procedures consistent with Provision C.8.e.iii requirements in Annual Reports.*

It is not a good use of resources for maintenance crews to be keeping track of how much trash they are removing from pump stations during a storm event, when their priority is to keep the pump stations operating?

What is the purpose of requiring this data to be collected and reported?

C.2.h.ii(2)(b): Identification and prioritization of rural roads that need increased maintenance on the basis of soil erosion potential, slope steepness, and stream habitat resources

This requirement is unnecessary and counterproductive, and should be removed. Municipalities have existing criteria in place for prioritizing road maintenance based on preserving infrastructure and protecting public safety. How would slope steepness and soil erosion potential fit into existing criteria?

The requirement to install stormwater treatment systems as part of road maintenance programs will reduce the amount of maintenance conducted.

C.2.h.ii(2)(f): Development and implementation of an inspection program prior to each rainy season to maintain roads structural integrity and prevent impacts on water quality.

This requirement should be removed. How does Water Board staff envision this inspection prior to the rainy being incorporated into a road maintenance program? Please describe the anticipated process and schedule. Is this all supposed to take place between one rainy season and the next? If not, why are the inspections to be conducted prior to the rainy season?

C.2.h.ii.(3)(a): This requirement should be removed. What does “increase maintenance” mean? What is the baseline? How is this maintenance to be incorporated into existing road maintenance programs?

C.3.b.i.(1): There seems to be some ambiguity regarding the “Special Land Use Categories.” It is our understanding that this special land use category of Provision C.3.b.i.(1) relates only to development (new development & redevelopment) of auto service facilities, retail gasoline outlets, restaurants and certain parking lots (i)-(iv). However, the special 50% rule applies to redevelopment projects where the previously existing development was not subject to Provision C.3.

The 10,000 sq. ft. threshold initially applies to these projects. The 5,000 sq. ft. threshold kicks in on July 1, 2010 for these special land use projects. The Provisions (c) & (d) within that section only apply to the categories listed in (a)(i)-(iv) that specifically include the 10,000 sq. ft. threshold. (a)-(d) must be read together in this way so as to make reasonable sense of the provision.

Second, for other redevelopment projects that are NOT in one of the special land use categories (C.3.b.i.(3)), the 10,000 sq. ft. threshold applies throughout the term of the permit. There is no reference in this section to the 5,000 sq. ft. threshold. The 50% rule also applies where the existing development was not subject to Provision C.3.

Please confirm that this is the correct interpretation or provide clarification.

C.3.b.i.(1)(c): From a water quality perspective, redevelopment projects are generally preferable to projects on previously undeveloped land. Why is the Water Board putting this additional burden, to treat parts of a site that are not redeveloped, on redevelopment projects? Shouldn't the Water Board provide incentives for redevelopment as opposed to new development projects?

C.3.b.i. (5): The paragraph beginning with ‘Effective Date’ makes a reference to a 5000 sq. ft. threshold for inclusion as a regulated project but no such threshold is specified for this section. A future 5000 sq. ft. threshold is specified only for section C.3.b (1). This paragraph should be deleted as it is confusing.

C.3.j.: This provision should be deleted.

C.3.j.: Although the Program's position is that this provision should be deleted, we have additional comments. What is the purpose of this study? What criteria will be used to revise the size threshold? Is 90% capture of all new/redevelopment in the Region an appropriate criterion? If not, what percent capture is appropriate? Will the Water Board evaluate the threshold based on the percent capture for the entire Region or municipality by municipality? If the Water Board will evaluate the percent capture criterion by each municipality, what is the rationale for that approach? If the percent capture criterion is to be applied by each municipality, will some municipalities be able to increase their size threshold above 10,000 sq. ft. if they meet the percent capture criterion at a higher threshold? If not, why not?

Why does the project watershed information need to be included in the pilot project? How will that information be used?

The due date for submitting the pilot project should be revised to no sooner than June 30, 2009.

C.4.c./C.5.b Enforcement Response Plan: If an agency already has an effective approach to enforcement, what is the rationale for requiring the development of an ERP?

C.4.c.iii. (4): It is not within the authority of the local agencies to determine if a facility is required to have coverage under the General Industrial Permit. This item should be deleted.

C.5.a.ii.: The due date of November 30, 2008 does not provide sufficient time following the adoption of the permit to revise a municipality's legal authority if that is required. The due date should be changed to June 30, 2009.

C.5.c.i. Spill and Dumping Response: The checking the voicemail for the non-emergency response number should be limited to Monday-Friday. The purpose of using 911 is to have coverage during non-working hours.

C.5.e.ii.: The due date for developing a complaint tracking system should be changed to June 30, 2009.

C.6.a. Legal Authority: The due date for establishing legal authority to impose fines should be changed to June 30, 2009.

C.6.b. Enforcement Response Plan: Notwithstanding our objection to requiring ERPs, the due date for implementing the ERP should be changed to June 30, 2009.

C.7.c.ii. Media Relations: Implementation should also be allowed at the local level.

C.9.h.ii. Public Outreach: The requirement to track the quantity of outreach materials distributed should be removed. Why does this information need to be collected? What quantity of outreach materials is sufficient?